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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,767	04/09/2004	HC Huang	MR3003-81	8818

4586 7590 09/07/2006

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ELLICOTT CITY, MD 21043

EXAMINER

NGUYEN, TRUNG Q

ART UNIT PAPER NUMBER

2829

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/820,767

Applicant(s)

HUANG, HC

Examiner

Trung Q. Nguyen

Art Unit

2829

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on amendment filed on 06/23/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1 and 9, the newly added limitation "to test for proper actual operation" is not clear what all the elements or steps are and it is not clear how they are interrelated or associated to produce the desired results. The specification nor drawing does not support any of the above limitation. In addition, the term "to test for" is defined as something having been designed for one uses but used for a different purpose. Because applicant has not disclosed the mean's original use and because there appears no reason within applicant's specification to perform any such adaptation, it is not clear whether the applicant intended such an test.

Claims 2-8 and 10 are rejected for being dependent on rejected claims 1 and 9.

**Note:** Because of the above rejection, therefore, the recitation "to test for proper actual operation" in claims 1 and 9 are not given any patentable weights.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Hsu et al. (U.S. 6,393,588).

Regarding claim 1, Hsu et al. disclose in Fig. 2 a CPU 12; a memory either 21 or 23 with a predetermined firmware program (see column 3, lines 57-63) via firmware program, memory connected with CPU through memory bus 16, a control chip via chip set logic 24, 26, 28 with USB interface control connected with CPU (see Fig. 2), having ports via system bus 16 for connecting peripheral device(s) R11-R43.

Regarding claims 2-3 and 6-7 Hsu et al. disclose in Fig. 2 a CPU 12 is able to send test packet via test engine to peripheral devices 331-335 (Fig. 3) through control chip via logic chip set 24, 26, and 28.

Regarding claims 4 and 8, Hsu et al. disclose in column 4, lines 25-40 the process of receiving test packet via test engine, peripheral device 331-335 sends back

test packet to CPU and determining whether test packet is same as predetermined provided in the memory.

Regarding claim 5, Hsu et al. disclose in Fig. 2 peripheral device is provided with a USB interface 20, a memory 21, 22 with a predetermined firmware program (see Fig. 2, memory unit 21 or 23) via firmware program, memory connected with CPU through memory bus 16, a control chip via chip set logic 24 or 26 or 28 with USB interface control connected with CPU (see Fig. 3), having ports via system bus 16 for connecting peripheral device(s) R11-R43.

Regarding claim 9, Hsu et al. disclose in Fig. 2 a CPU 12; a memory either 21 or 23 with a predetermined firmware program (see column 3, lines 57-63) via firmware program, memory connected with CPU through memory bus 16, a control chip via chip set logic 24, 26, 28 with USB interface control connected with CPU (see Fig. 2), having ports via system bus 16 for connecting peripheral device(s) R11-R43. Hsu et al. also disclose in column 4, lines 25-40 the process of receiving test packet via test engine, peripheral device 331-335 sends back test packet to CPU and determining whether test packet is same as predetermined provided in the memory.

### ***Response to Arguments***

Applicant's arguments and amendment filed on 06/23/06 with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

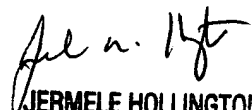
### Conclusion

5. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within two months of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Trung Nguyen** whose telephone number is **(571) 272-1966**. The examiner can normally be reached on Monday through Friday, 8:30AM – 5:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Ha Nguyen** can be reached at (571) 272-1678.

**Trung Nguyen**  
Patent Examiner  
Group Art Unit 2829  
August 29, 2006.

  
**JERMELE HOLLINGTON**  
**PRIMARY EXAMINER**  
Au 2829  
09/01/06